IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

SUMMONS FOR JUDGMENT NO. 742 OF 2004
IN
SUM. SUIT NO.2515 OF 2003

Lalit M. Chheda — Plaintiff
vs.
Gayatri Constructions & ors. — Defendants

Ms.Rekha Mehta for the plaintiff.

Mr.V.T.Walavalkar i/b.Chaugule & Co. for the defendants.

CORAM : S.U. KAMDAR,J.

DATED : 24th October 2005

P.C.

The present suit is in respect of the goods sold and delivered. The bills which are annexed to the plaint are for a period upto February 1999. The suit as such would be barred by the law of limitation in February 2002. The Suit is filed on 7th May 2003. The learned counsel has relied upon the acknowledgement of liability being a letter dated 10.2.2002. The zerox copy of the letter is annexed at Exhibit D does not contain the signature. However, the document of which original is produced contains the signature. I called upon the plaintiff to show how a same letter of zerox has no signature, whereas the original produced shows a signature. The learned counsel, however, states that there were two letters given-one signed and one unsigned. In my opinion, the aforesaid issue requires a trial. Summons for judgment dismissed. Unconditional

leave to the defendants to defend the suit is granted.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection and discovery within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.

(S.U. KAMDAR,J.)